

Title	2005 Uniform Bail and Penalty Schedules (revise Schedules)
Summary	The Traffic Advisory Committee has proposed revisions to the Uniform Bail and Penalty Schedules (Schedules) to become effective January 1, 2005. The proposed revision makes changes to bring the Schedules into conformance with recent legislation and expand the Schedules to include all traffic infractions and misdemeanors that are reportable to the Department of Motor Vehicles.
Source	Traffic Advisory Committee
Staff	Courtney Tucker, Senior Court Services Analyst (415) 865-7611
Discussion	<p>According to rule 4.102 of the California Rules of Court, trial court judges in performing their duty under Penal Code section 1269b, must annually revise and adopt a schedule of bail and penalties for all misdemeanor and infraction offenses except Vehicle Code infractions, and the penalty schedule for traffic infractions shall be established by the Uniform Bail and Penalty Schedules approved by the Judicial Council. Vehicle Code section 40310 provides that the Judicial Council shall annually adopt a Uniform Bail and Penalty Schedule for all Vehicle Code infractions. These schedules must be revised annually to make them conform to new legislation.</p> <p>Proposed revisions for this year include the following:</p> <ol style="list-style-type: none"> <li>1. Addition of new entries to include all infraction and misdemeanor violations of the Vehicle Code that are reportable to the Department of Motor Vehicles;</li> <li>2. Addition to and revision of information on penalty assessments, including information on an additional penalty under Government Code section 76104.6, from passage of Proposition 69, of \$1 per \$10, or part of \$10, of the base fine for all criminal convictions;</li> <li>3. Revision of penalty categories under Vehicle Code section 40310 to expand Category 2 to include all operation of vehicle offenses and size and load violations. Accordingly, the base fine for size and load offenses, where fines are not expressly set in the code, are increased from \$25 to \$35;</li> <li>4. Revision of designations for correctable offenses specified in Vehicle Code section 40303.5, that are eligible for dismissal with proof of correction if none of the disqualifying conditions of Vehicle Code section 40610(b) exist, to exclude offenses that require operation of a vehicle from eligibility for correction;</li> </ol>

5. Addition of a new citing section, Vehicle Code section 4000.6 for commercial vehicles with gross vehicle weight over 10,000 pounds in excess of declared gross vehicle weight in violation of Vehicle Code section 42030.1 (Sen. Bill 1233 (Stats. 2004, ch. 615) and removal of previous entry for violation of Vehicle Code section 9400.1;
6. Revision of the sample calculation of bail, the traffic violator school fee for multiple offenses, and the late penalty to include the new \$1 penalty assessment for DNA collection;
7. Amendment of entries for violations of Vehicle Code sections 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5 to include operation of an off-highway vehicle;
8. Addition of new offenses for violation of Vehicle Code sections 11713.17 (attachment of front license plates), 21226 (motorized scooter muffler and exhaust requirements), 23125 (use of wireless phone while driving a school bus or transit vehicle), 24255 (infrared lighting system), and 38375 (siren prohibitions for off-highway vehicles);
9. Addition of a sentencing requirement for violations of Vehicle Code section 23109 to perform 40 hours of community service;
10. Addition of new offenses for violation of Harbors and Navigations Code section 661 (including teak surfing, platform dragging, and body surfing behind vessel);
11. Expansion of the Fish and Game Bail and Penalty Schedule to include entries for California Code of Regulations, Title 14, sections 27.60 through 30.10 regarding size limits, bag and possession limits, and seasons for fishing;
12. Expansion of recommended base fines in the Parks and Recreation Bail Schedule to provided alternate recommended bail amounts for offenses that can be cited as either an infraction or a misdemeanor; and
13. Renumbering or addition of citation subsections to reflect recent changes.

Attachment